

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

In re:  SKELAXIN (METAXALONE) ANTITRUST LITIGATION  THIS DOCUMENT RELATES TO:  DIRECT PURCHASER CLASS ACTIONS <i>RITE AID</i> (No. 1:13-cv-00005) <i>WALGREEN</i> (No. 1:12-cv-203)	Lead Case Nos. 2:12-cv-83 1:13-cv-00005 1:12-cv-203  MDL Case No. 1:12-md-2343  Judge Curtis L. Collier
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**DEFENDANTS' JOINT MOTION TO COMPEL PLAINTIFFS  
TO PRODUCE DOCUMENTS HELD BY THEIR ASSIGNORS**

Pursuant to Rules 26(b), 34 and 37 of the Federal Rules of Civil Procedure, Defendants King Pharmaceuticals LLC (“King”) and Mutual Pharmaceutical Company, Inc. (“Mutual”) (collectively, “Defendants”) hereby move this Court for an Order requiring those direct purchaser plaintiffs who are proceeding by assignment to produce responsive documents and data held by their assignors. The plaintiffs proceeding by assignment include three proposed direct purchaser class representatives—the Meijer entities, Ahold USA Inc., and the Stephen L. LaFrance entities—as well as all the Plaintiffs in the *Rite Aid* and *Walgreen* actions (collectively, “Plaintiffs”).

Plaintiffs are not the direct purchasers of Skelaxin with actual federal antitrust claims. They are proceeding in this litigation only by way of assignment from pharmaceutical wholesalers. But Plaintiffs have improperly refused to produce relevant documents from their assignors. As explained more fully in the accompanying Memorandum of Law, Plaintiffs should be required to produce documents from their assignors in response to Defendants’ narrow categories of document requests. The information sought by Defendants is critical to

Defendants' defense, and it would be unfair to allow Plaintiffs to reap the benefits of their assignments while ignoring their discovery obligations.

In light of the foregoing, and for the reasons set forth in the Accompanying Memorandum of Law, Defendants respectfully request that the Court grant their Joint Motion to Compel Plaintiffs to Produce Documents Held by Their Assignors by November 1, 2013.

Dated: September 12, 2013

Respectfully submitted,

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### **CERTIFICATION**

Undersigned counsel hereby certifies, pursuant to Fed. R. Civ. P. 37(a)(1), that Defendants have in good faith conferred with Plaintiffs in an attempt to resolve the discovery dispute that is the subject of their Joint Motion to Compel Plaintiffs to Produce Documents Held by Their Assignors, as evidenced by, among other things, Exhibits G-K to the Declaration of Rohit K. Singla, filed concurrently herewith.

/s/ Rohit K. Singla

**CERTIFICATE OF SERVICE**

I certify that on September 12, 2013 a copy of the foregoing was served electronically on counsel of record for all parties through the Court's CM/ECF system.

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